

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al., )  
                                  )  
Plaintiffs, )  
                                  )  
-vs-                          ) Case No. CIV-21-0805-F  
                                  )  
UNITED STATES DEPARTMENT )  
OF THE INTERIOR, et al., )  
                                  )  
Defendants. )

**ORDER**

“Federal Defendants’ Motion to Consolidate Related Cases” is before the court. Doc. no. 7. The motion proposes consolidating two related cases: Oklahoma v. U.S. Department of the Interior, No. CIV-21-0719-F (Oklahoma I), and Oklahoma v. U.S. Department of the Interior, No. CIV-21-0805-F (Oklahoma II).

Plaintiffs have responded. Doc. no. 18. Plaintiffs do not object to consolidation for the limited purpose of administering the scheduling order. They object, however, to consolidation for all other purposes including discovery, motions practice and trial.

Defendants filed a reply brief. Doc. no. 19.

Rule 42(a), Fed. R. Civ. P., provides that cases may be consolidated when they involve a common question of law or fact. The decision to consolidate cases which appear to be of like nature and concern themselves with the same or similar questions rests within the sound discretion of the trial court. Skirvin v. Mesta, 141 F.2d 668, 672-73 (10<sup>th</sup> Cir. 1944).

The court is not persuaded that any useful efficiencies would be achieved by consolidating these two cases at this time. Motions are currently pending in Oklahoma I which are not pending in Oklahoma II. While that is not always an impediment to consolidation, it appears to the court that convenience may be best served by keeping these cases separate for the time being. The court also notes the parties' apparent agreement that keeping these two cases on the same schedule would be advantageous. That goal can be accomplished without consolidation. Absent compelling reasons to establish differing schedules, the court's current intention is that these two cases will progress on the same schedule. For these and other reasons, the court declines to consolidate these cases at this time. This ruling is without prejudice to consideration of consolidation at a later stage.

The motion to consolidate is **DENIED** without prejudice to consideration of a new motion to consolidate at a later stage, if appropriate.

IT IS SO ORDERED this 28<sup>th</sup> day of September, 2021.



STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE